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SOUTH ASIAN AMERICANS LEADING TOGETHER

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October 2, 2015

Vanita Gupta
United States Assistant Attorney General for Civil Rights
United States Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, N.W.
Office of the Assistant Attorney General, Main
Washington, D.C. 20530

Dear Assistant Attorney General Gupta:

South Asian Americans Leading Together (SAALT) writes to express our deep and numerous concerns with the recent federal trial following the Department of Justice indictment of former Officer Eric Parker of Madison, Alabama on a civil rights charge for "unreasonable use of force." SAALT along with many other individuals and organizations nationwide was deeply disappointed to see a mistrial declared last month. However, we remain encouraged by the recent announcement from the US Attorney's Office in the Northern District of Alabama of the intention to pursue a retrial in the 70-day period.

After consulting with our Alabama community partners and to ensure some of the most troubling factors associated with the previous trial are not replicated in the anticipated retrial of former Officer Parker, SAALT respectfully writes to highlight some critical considerations. SAALT and our local partners were disappointed that the jury composition was not reflective of the local community. In fact, the twelve member jury included only two women of color and no foreign-born individuals while one in ten Madison, Alabama residents speaks a language other than English at home. We are concerned this imbalance between jury composition and local demographics may have amplified some of the problematic aspects of the case and indeed lessened Mr. Sureshbhai Patel's access to justice. In addition, we were troubled by the decision to locate the trial in Limestone County rather than Madison County, where the incident occurred.

While this trial is focused on the civil rights charge of "unreasonable use of force" brought against former Officer Eric Parker, the Madison Police Department indicated that a communication barrier between Mr. Patel and former Officer Parker led to the use of excessive force. This admission directly contradicts the Madison Police Department's responsibility to comply with Title VI of the Civil Rights Act, which requires police departments that receive federal funds to take steps to ensure language access for limited English proficient (LEP) residents. If in fact the Title VI violation is not connected to the civil rights charge of "unreasonable use of force" in this trial, is the Department of Justice pursuing separate action to enforce this breach of Title VI on the part of the Madison Police Department?

SAALT and our community partners in Alabama were disappointed to see the lack of language access accommodation afforded to Mr. Patel despite numerous attempts to communicate his LEP status

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during his encounter with former Officer Eric Parker. This dynamic remained largely ignored and even misrepresented in the trial. In fact, media reports refer to this statement by Parker's defense attorney to the jury: "[the government] wants you to believe anyone who doesn't speak English gets a free pass." It is unacceptable that jurors hear inaccurate and indeed anti-immigrant sentiment from the defense team. SAALT requests a meeting with your office to discuss this further before the retrial and in particular before jury selection and trial location is finalized. We look forward to speaking with you.

Sincerely,

Suman Raghunathan
Executive Director
South Asian Americans Leading Together (SAALT)